INVESTIGATIVE SUMMARY
USE OF FORCE
DEPUTY INVOLVED SHOOTING, DEPLOYMENT OF TEAR GAS/FLASH BANG
001-00081-3199-055
SH2038321

On Thursday, June 21, 2001, Sergeants Henry Reyes and Elier Morejon of the Internal Affairs Bureau responded to the 10 Freeway, west of Bess Avenue in the city of Baldwin Park, regarding an Officer Involved Shooting Incident. Internal Affairs Bureau Lieutenant Willa Glover, Field Operations Region III Commander Marvin Cavanaugh and members of the Training Bureau also responded.

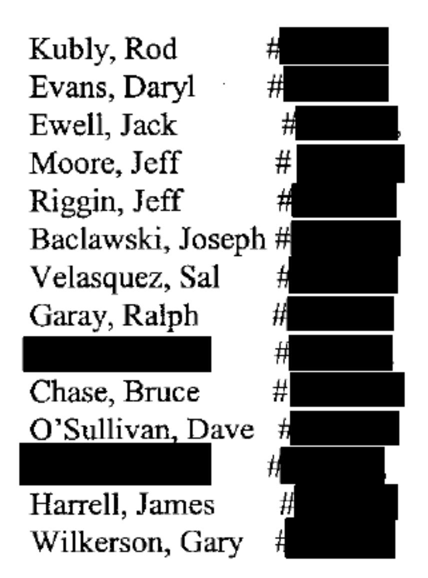
INVOLVED PERSONNEL

Gallegos, Clarence	#[redacted]	Deputy Special Enforcement Bureau
Murray, William	#[redacted]	Deputy Special Enforcement Bureau
Wilber, Michael	#[redacted]	Deputy Special Enforcement Bureau
Keelin, Fred	#[redacted]	Deputy Special Enforcement Bureau
Corrigan, James	#[redacted]	Deputy Special Enforcement Bureau

SUSPECT/INMATE:

Gutierrez, Santiago, MH/38 Booking #6918-373
Refer to Homicide Book for Criminal history, page 145-150.

WITNESSES:



Kubly, Rod	#[redacted]	Sergeant Special Enforcement Bureau
Evans, Daryl	#[redacted]	Lieutenant Special Enforcement Bureau
Ewell, Jack	#[redacted]	Sergeant Special Enforcement Bureau
Moore, Jeff	#[redacted]	Deputy Special Enforcement Bureau
Riggin, Jeff	#[redacted]	Deputy Special Enforcement Bureau
Baclawski, Joseph	#[redacted]	Deputy Special Enforcement Bureau
Velasquez, Sal	#[redacted]	Deputy Special Enforcement Bureau
Garay, Ralph	#[redacted]	Deputy Special Enforcement Bureau
[redacted]	#[redacted]	Deputy Special Enforcement Bureau
Chase, Bruce	#[redacted]	Deputy Special Enforcement Bureau
O'Sullivan, Dave	#[redacted]	Deputy Special Enforcement Bureau
[redacted]	#[redacted]	Deputy Special Enforcement Bureau
Harrell, James	#[redacted]	Deputy Special Enforcement Bureau E.S.D.
Wilkerson, Gary	#[redacted]	Deputy Special Enforcement Bureau E.S.D.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Clarence Gallegos said he was at home when he received a page to respond to a call out. He explained his team, the Black Team, was responsible for call out duty. He learned there was a barricaded person in a vehicle, on the 10 Freeway, in Baldwin Park. He met with Deputy [redacted] and they both responded to the incident in Deputy [redacted] vehicle. He arrived at the command post on the eastbound10 Freeway at Frazier Avenue at approximately 9:00 P.M.. His team members were already deployed around the suspect's van. He spoke with the Baldwin Park Detectives and learned that the suspect was involved in an armed robbery and had fired at the Baldwin Park Detectives and California Highway Patrol officers during a vehicle pursuit. The detectives told him that they had spoken with the suspect via his cellular telephone. He was told that during their conversation with the suspect, the suspect told them he would not be taken alive and that he would kill as many police officers as he could. The suspect ended his conversation with the detectives by throwing his telephone out the window during the pursuit.

He was given the suspect's name (Santiago Gutierrez) and physical description. He was told the suspect had one prior arrest for terrorist threats in 1996. He drew a diagram of the scene, indicating where his fellow swat team members were deployed. He passed on the information he had learned to his fellow team members. He contacted Deputy Baclawski (the team scout) and was redeployed to an armored rescue vehicle directly and on the passenger side of the suspect's van. He learned from deployment personnel that the suspect was seen moving within the van. A robot was used to deliver a throw telephone to the passenger side of the suspect's van. Announcements were given asking the suspect to take the throw telephone so that they could communicate with him. The suspect took the telephone and spoke with members of the Crisis Negotiation Team for a short time. He learned that the suspect was very hostile with the C.N.T deputies and had thrown the telephone out of the van.

The robot was redeployed to a position next the front passenger door of the van to limit the suspect's ability to exit the van. The suspect became enraged and knocked over the robot by forcing open the passenger door. Two additional robots were requested to the scene and additional requests were made asking the suspect to surrender. While he waited for the other robots to arrive, he heard the sound of a gunshot come from inside the suspect's van. Once the larger robots arrived they were deployed but they were not successful in righting the fallen robot. Another throw telephone was delivered to the driver's side of the van by one of the larger robots. The suspect refused to take the telephone, the robots were used to block the driver and passenger doors and prevent the suspect from exiting. The suspect yelled out he would shoot the robots if they were not moved. The suspect opened the driver's door and pointed his gun outward periodically. The suspect dropped paper notes on the ground and yelled for the robots to pick up the notes. Lieutenant Evans then directed Deputy Keelin or Deputy Riggin to deploy tear gas into the van. He believes Deputy Keelin actually fired the gas into the passenger side window, the window shattered completely. He heard radio traffic say that the suspect was coming out of the van. He repositioned himself from the driver's side to the passenger side of the armored vehicle. Deputies Wilbur and Moore were also on the passenger side along with Deputy Murray who in the gun turret on top of the armored vehicle.

Deputy Clarence Gallegos' interview contd.
He saw the suspect lean out the passenger side window of the van and point his gun in their direction. He believed the suspect was about to shoot him. In fear for his safety he fired two, two rounds bursts from his MP-5 submachine gun. He saw Deputy Wilber fire a two round burst from his MP-5 submachine gun. The suspect fell back into the van and out of sight. He received updates from Deputy Riggin advising him that the suspect was moving inside the van. Additional announcements were made asking the suspect to surrender via a public address system. He saw another tear gas round fired into the van. A decision was made to introduce hot gas into the van in hopes the hot gas would cause the suspect to surrender. One of the armored vehicles was moved up behind the suspect's van and a diversionary flash bang (light and sound device) was deployed at the driver's door. Deputy Corrigan then deployed the hot gas into the rear of the van.

The armored vehicle was moved away from the van as the gas filled the interior of the van. The suspect could be seen moving inside the van but he refused to surrender. After the hot gas dissipated he was able to see the suspect's gun on the ground near the passenger side rear tire. Lieutenant Evans then ordered a team to get the wounded suspect out of the van. He deployed a flash bang into the van to disorient the suspect as Deputy Baclawski attempted to open the sliding door of the van. The suspect had handcuffed the sliding door preventing it from being opened. Bolt cutters were used to cut the handcuffs the door was opened and the suspect was pulled from the van. He saw that the suspect did not have a weapon and he and Deputy Wilber pulled the suspect's hands behind his back. Deputy [redacted] then placed flex cuffs on the suspect. He saw that the suspect was bleeding from his head and nose. The suspect was moved behind the armored vehicle where the paramedics began medical aid. The suspect was then transported to a hospital by ambulance.

IAB Note: Deputy Gallegos' weapon was inspected by Homicide Investigator Davis. Davis found that the magazine contained twenty-six live rounds and had initially contained thirty rounds.

Deputy Michael Wilber said he is a member of the Special Enforcement Bureau's Black Team. The Black Team was the duty team responsible for any call outs. He received a call to respond to the e/b 10 Freeway at Frazier Avenue, in Baldwin Park. The call indicated that a male was barricaded in his vehicle. When he arrived at the location, he was briefed by Deputy Baclawski who told him that the suspect was armed and had been involved in a robbery and vehicle pursuit. He was deployed to an armored vehicle behind and on the passenger side of the suspect's van by Deputy Baclawski. He could see shadows of the suspect moving in the van. The suspect obstructed his view by stacking a cooler and other items in front of the van's windows. A robot was deployed with a throw telephone and he learned the suspect was speaking to deputies from the Crisis Negotiating Unit. He heard announcements made via a public address system asking the suspect to surrender. A short time later the suspect threw the telephone out. The suspect then knocked over the robot which had been redeployed to the passenger side front door. He heard a gunshot come from the interior of the suspect's van. Two additional robots from arson explosives were deployed to rescue the fallen robot. Attempts to rescue the fallen robot failed and the larger robots were redeployed. Another throw telephone was delivered to the suspect by the robot on the driver's side. The other robot was moved to the passenger front door to resist the suspect's ability to exit the vehicle.

Deputy Michael Wilber interview contd.
A decision was made to introduce tear gas into the van. Tear gas was fired into the center passenger window of the van completely shattering the window. The suspect momentarily appeared holding a gun in his right hand but quickly went back inside the van. The suspect reappeared and pointed the gun in his direction and appeared to be exiting the van. He believed the suspect was about to shoot him and he fired a two or three round burst at the suspect from his H&K, MP-5 sub machine gun. The suspect fell back inside the van out of his view. Two additional tear gas rounds were fired into the van. He was told by other containment personnel that the suspect could be seen moving inside the van. A decision was then made to deploy hot gas into the van. One of the armored vehicles was moved behind the suspect's van and hot gas was deployed into the van by Deputy Corrigan. The armored vehicle was moved back to its original position while the hot gas filled the interior of the van. Once the gas had dissipated, he noticed an object which appeared to be the suspect's gun next the van's right rear tire. A camera on the robot verified that it was a gun.

A decision was made to remove the suspect from the van. The team moved into position and Deputy Baclawski attempted to open the van's passenger slider door. He saw the door had been handcuffed preventing the door from being opened. Bolt cutters were used to cut the handcuffs, the door was opened and he and Deputy Gallegos pulled the suspect from the van. He saw the suspect was bleeding from his head and mouth and paramedics were called up to render aid. The suspect was transported to the hospital by ambulance.

IAB Note: Deputy Wilber's weapon was examined by Investigator Davis and found to contain a magazine containing 26 live rounds with one round chambered. The magazine had initially contained twenty-nine rounds.

Deputy William Murray said he is a member of the Special Enforcement Bureau's Black Team. He was paged to a barricaded suspect call on the 10 Freeway, in Baldwin Park. He was deployed as a long rifle sniper, in the gun turret, of the armored vehicle. The armored vehicle was deployed to the rear passenger side of the suspect's van. He saw the suspect move items in front of the van's windows to obscure and block his view. He heard announcements made, asking the suspect to take the throw telephone from the robot. He saw the suspect take the telephone from the robot. He heard several more announcements asking the suspect to talk to the crisis negotiators. He saw the suspect throw the telephone out of the van. The suspect pushed the passenger door violently against the robot until he knocked over the robot. He heard the suspect fire a round and saw a spray of glass come from the van's windshield. He saw the two larger robots deployed on either side of the front doors of the suspect's vans. The suspect refused to take another throw telephone from one of the larger robots. He saw cold gas deployed into the passenger side of the van. The suspect came out of the broken passenger side window of the van with a gun in his right hand. The suspect leaned forward, wiped his face as if to get air and went back inside the van. The suspect reappeared, leaning out the window and pointed the gun in his (Murray's) direction. He believed the suspect was going to shoot at him or at the arrest team. He then fired two rounds at the suspect from his AR-15 rifle. The suspect fell back inside the van. He did not know if his rounds hit the suspect. He heard additional public address system announcements made, asking the suspect to throw his gun out and surrender. He saw two additional rounds of cold gas deployed into the van.

Deputy William Murray's interview contd.
One of the armored vehicles was moved directly behind the suspect's van and hot gas deployed into the van's rear window. He heard more announcements made again asking the suspect to come out of the van and surrender. The armored vehicle was moved up again and the arrest team was deployed to the passenger side of the van. The arrest team attempted to open the van's slider door and found that it had been locked with a pair of handcuffs. Bolt cutters were used to cut the handcuffs and the suspect was taken out of the van by Deputy Gallegos. Paramedics treated the suspect for his injuries.

IAB Note: Homicide investigators examined Deputy Murray's weapon (AR-15, rifle) and found that it contained a total of twenty-seven 223 caliber rounds. Twenty-six rounds in the magazine and one round chambered. The magazine was initially loaded with twenty-nine rounds.

IAB Note: Due to medical concerns, the rounds which struck the suspect were never recovered, therefore it is not possible to determine which rounds fired by Deputies Gallegos, Wilber or Murray actually struck the suspect.

Deputy Fred Keelin said he is a member of Special Enforcement Bureau's Tan Team. He was paged and asked to respond to the 10 Freeway east of the 605 Freeway. When he arrived at the location, he was briefed by Sergeant Kubly and deployed to the passenger side of the suspect's van. He was to deploy gas into the suspect's van if necessary. Over the course of the several hours he heard numerous announcements being made over a Public Address System asking the suspect to surrender. He saw the deployment of robots with throw telephones. He saw the suspect's silhouette holding a gun several times during the course of the incident. He was ordered to deploy three, 37-millimeter, canisters of gas into the van. The first round entered the van through the passenger side rear window. The round completely broke out the window. As he reloaded to deploy the second gas round, he saw the suspect looking in his direction gun in hand. He believed the suspect was attempting to acquire a target. He heard six to eight gunshots and saw the suspect fall back inside the van. He saw that the suspect was bleeding from his face and moving in the van. He heard several more announcements made, asking the suspect to surrender. There was no response from suspect. He was ordered to deploy a second and third round of gas into the van. A flash bang (light and sound) device was deployed at the driver's side door as a diversion, while hot gas was introduced into the van's rear window. He heard more announcements made, asking the suspect to surrender. He saw the arrest team approach the passenger side of the van and remove the suspect from the van.

Deputy James Corrigan said he is a member of the Special Enforcement Bureau's Blue Team. He was paged and ordered to respond to the 10 Freeway at Frazier Avenue, the scene of a barricaded suspect. He was on a regular day off so he responded to the Special Enforcement Bureau's Headquarters to get his equipment and then to the incident location. He was told he would be operating the Mini Andrus robot at the incident. Once he arrived at the location, he learned the suspect was armed and had been involved in a pursuit. He was told the robot would be used to deliver a throw telephone to the suspect, so the suspect could communicate with the crisis negotiators. He deployed the robot to the passenger side of the suspect's vehicle.

Deputy James Corrigan's interview contd.
Public Address System announcements were made, asking the suspect to take the telephone and talk to negotiators. The suspect took the telephone but threw it out a short time later. He positioned the robot to block the vans' passenger side door to limit suspects' access out of the van. The suspect forced passenger side door open until he was able to knock the robot over. He heard more announcements made, asking the suspect to surrender. Two additional robots were requested from the Arson Explosives Unit and when they arrived they were deployed. One of the larger robots was deployed to block the passenger side doors. The other was deployed with a throw telephone at the driver's door. Announcements were made again asking the suspect to take the telephone. The suspect refused to take the telephone. A decision was made to introduce cold gas into the van. He did not actually see the cold gas deployed. He heard four to six gunshots but did not see who fired. He could see through one of the robot's cameras, the suspect had been hit but was still moving inside the van. Two additional rounds of cold gas were fired into the van. He heard more announcements made, asking the suspect to come out and surrender. He was directed to deploy hot gas into the suspect's van. The armored rescue vehicle was moved behind the suspect's van. A diversionary flash bang was deployed outside the driver's door while he introduced the hot gas through the rear window of the suspect's van. A team of deputies moved to the passenger side of the van to remove the suspect. Another flash bang was deployed into the van as the deputies attempted to open the van's slider door. The slider door could not be opened because the suspect had used a pair of handcuffs to prevent the door from being opened. Bolt cutters were used to cut the handcuffs and the suspect was removed from the van. The suspect was treated for his injuries by Emergency Services Detail paramedics and transported to the hospital by ambulance.

WITNESS STATEMENTS
Deputy Jeff Riggin stated essentially the same as Deputy Keelin and added the following, He is assigned to the Special Enforcement Bureau's Gray Team. He was deployed with Deputy Keelin to the passenger side of the suspect's van. He was able to observe the suspect from his position throughout the incident. He updated the command post continually on the suspect's movements. He provided cover for Deputy Keelin while Keelin deployed three, 37 millimeter gas canisters. He saw the suspect lean out the passenger side rear window and point a handgun back toward the deputies deployed at the armored vehicle. He heard two large caliber gunshots and then heard three-two round bursts of smaller caliber gunfire. He saw that the suspect was bleeding from his face and was still moving inside the van.

Sergeant Rod Kubly said he is the team leader for the Black Team which had primary call out responsibilities. He received a page to respond to the location. He telephoned his scout Deputy Baclawski and discussed deploying personnel and equipment at the location. He responded directly to the location from his home. When he arrived, he immediately changed into his uniform and began to assess the situation. He deployed less than lethal weapons and began replacing personnel from of the California Highway Patrol with personnel from the Special Enforcement Bureau. He formed two arrest teams and deployed the armored vehicles. The armored vehicles were deployed behind and to each side of the suspect's van along with the E.S.D. (Emergency Services Detail) truck which contains several overhead lights for illumination. He discussed making any necessary evacuations.

WITNESS STATEMENTS(**Sergeant Rod Kubly contd.)**
He deployed canine units to the south and north of the suspect's van. Deputies Keelin and Riggin were also deployed to the south of the suspect's van for containment. He deployed Deputy Chase and Deputy O'Sullivan as long rifles at the center divider of the freeway to cover the driver's side of the suspect's van. Deputy Murray was deployed in the gun turret of the armored vehicle covering the south side of the suspect's van. He deployed several additional Special Enforcement Bureau personnel to complete his containment. He deployed himself at the armored vehicle (arrest team number one)along with Deputies Gallegos, Wilber, Velasquez and Murray. He formulated a plan using the smaller robot to deliver a telephone to the suspect. The robot was deployed to the passenger side of the van and used to block the suspect's ability to exit his van through the passenger front door. Announcements were made via a public address system continuously asking the suspect to surrender. Additional announcements were again made asking the suspect to take the telephone from the robot. The suspect took the telephone and began speaking with members of the Crisis Negotiating Team(C.N.T.).

He was advised by negotiators that the suspect was not complying and did not want to have any further conversations with them. The suspect threw the telephone out of the van. The suspect opened the passenger door and began hitting the door against the robot until he eventually knocked the robot over. He requested and received two larger robots from the Arson Explosives Unit. When the larger robots arrived, the first robot was deployed to the passenger side in an attempt to right and remove the smaller robot. Attempts to move the smaller robot were unsuccessful. The larger robot was then deployed at the passenger front door to limit the suspect's ability to exit through that door. The second robot was deployed with another throw telephone to the driver's side of the van. Announcements were made, asking the suspect to take the telephone. The suspect refused to take the second telephone. The suspect threw notes out of the van and the robot attempted to retrieve them unsuccessfully. The robot was then deployed to block the driver's door and prevent the suspect from exiting through that door. Additional public address system announcements were made, asking the suspect to surrender and exit the van through the van's rear doors. The suspect refused and remained inside the van. A decision was made to introduce three cold gas canisters into the van through the passenger side sliding window.

Deputy Keelin deployed one round of cold gas into the van, completely shattering the rear passenger side window. Announcements were again made, asking the suspect to surrender and exit the van through the rear door. The suspect did not comply. He moved directly behind Deputy Wilber and saw the suspect leaning out of a window holding a gun in his hand. The suspect quickly moved back into the van and suddenly reappeared. The suspect was facing and pointing his handgun in their direction. As he is attempting to acquire a target sight, he heard two shots. He saw and heard Deputy Wilber fire one or two rounds and simultaneously saw and heard Deputy Gallegos fire what he believes were two four-round bursts. He heard Deputy Murray fire one or two additional rounds. He explained that the sequence of rounds fired occurred almost simultaneously. The suspect disappeared back inside the van. He conducted a roll call of his personnel because he was unsure if the suspect had fired his weapon. Public address announcements were again made, asking the suspect to surrender, the suspect did not respond. He directed Deputy Keelin to fire another round of gas into the van. Deputy Keelin fired the gas into the van and reported that the suspect appeared to bleeding but was still moving in the van.

WITNESS STATEMENTS(**Sergeant Rod Kubly contd.)**
Additional announcements were made, asking the suspect to surrender but the suspect did not respond. He directed Deputy Keelin to fire one additional round of gas into the van. He decided to deploy hot gas into the van to gain compliance from the suspect. He directed one of the armored vehicles to move up toward the rear of suspects' van. He ordered deployment of a flash bang toward the front of the van as a diversionary device while Deputy Corrigan deployed the hot gas into the rear of the van. Once Deputy Corrigan deployed the hot gas, the armored vehicle was moved back away from the van. Additional announcements were made without any response from the suspect. He believed the suspect might be injured to the point that he (the suspect) was not able to respond. He saw a Tech-nine pistol, laying on the pavement next to the van's right rear tire. He decided to physically remove the suspect from the vehicle. Deputies Baclawski, Wilber, Velasquez, Gallegos and he approached the van on the passenger side. He ordered deployment of a flash bang inside the van as a diversionary device while he and the other team members moved into position. Deputy Gallegos deployed the flash bang as they attempted to open the sliding door. He saw that the suspect used handcuffs to secure the door and prevent it from being opened. Deputy [redacted] used bolt cutters to cut handcuffs. The suspect was pulled from the van by his ankles. The suspect was handcuffed and transported to the hospital after being examined by paramedics.

Lieutenant Daryl Evans stated essentially the same as Sergeant Kubly and added the following, He was responsible for the command of the Special Enforcement Bureau personnel at the incident. He received a telephone call advising him that Baldwin Park Police and the California Highway Patrol had requested a swat team to a barricaded suspect situation, on the 10 Freeway at Frazier Avenue, in Baldwin Park. He received information the suspect was involved in an armed robbery and had fired on officers during the course of an extended high speed pursuit. He directed the deployment of the robots, cold gas, hot gas, flash bangs and ultimately the taking into custody of the suspect over a period of six hours.

Sergeant Jack Ewell stated essentially the same as Sergeant Kubly and added the following, He is assigned to the Special Enforcement Bureau and is the team leader for the Gray Team. He was briefed by Deputy Baclawski and deployed to the arrest team at the armored vehicle positioned to the rear driver's side of the suspect's van. He heard Deputy [redacted] make continuous P.A.(a public address) announcements via his vehicle's system throughout the evening asking the suspect to surrender. He heard the suspect fire a round from inside his van. He heard a radio broadcast advising that the suspect was coming out of the van on the passenger side with a gun. He heard eight or nine gunshots but did not see who was firing. He added that he saw the suspect being lifted out of the van and saw medical treatment being administered to the suspect.

Deputy Jeff Moore stated essentially the same as Sergeant Kubly and added the following, Deputy Moore said he is assigned to the Special Enforcement Bureau and is a member of the Gray Team. He was paged and ordered to respond to the command post. Once he arrived at the command post he was briefed by members of the Black Team and deployed to one of the armored vehicles. He heard the suspect fire one round from the interior of the van. He was seated in the front passenger seat of the armored vehicle behind and on the passenger side of the suspect's van. He saw the suspect lean out of the van and point a Tech-nine pistol in his direction. He heard several rounds being fired by Deputies Wilber, Gallegos and Murray. He added that he deployed a diversionary flash bang outside the driver's door of the van as the hot gas was deployed.

WITNESS STATEMENTS CONTD.

Deputy Joseph Baclawski stated essentially the same as Sergeant Kubly and added the following, He is assigned to the Special Enforcement Bureau as the scout for the Black Team. He was at the Special Enforcement Bureau when he received a telephone call from Commander Cavanaugh. He was told to respond with a team, to a barricaded suspect incident, at the 10 Freeway and Frazier Avenue in Baldwin Park. He was responsible for deployment of equipment and personnel at the incident site. He assisted Lieutenant Evans and Sergeant Kubly in formulating plans for the deployment of the robots, cold gas, hot gas and ultimately the removal of the suspect from his van. He moved from containment sites to containment sites throughout the night observing the suspect's movements and actions. He saw the suspect point a machine pistol at personnel deployed behind and on the passenger side of the suspect's van. He heard six to eight, 9 millimeter rounds and two, 223 caliber rounds being fired. He added that throughout the entire incident announcements were made via a P.A. system, asking the suspect to surrender.

Deputy Salvador Velasquez stated essentially the same as Sergeant Kubly and added the following, he is assigned to the Special Enforcement Bureau's Black Team. He was paged and responded to the Special Enforcement Bureau. He drove the S.E.B. tactical equipment van to the incident location. He was eventually deployed to the rear of the armored vehicle which was positioned behind and on the passenger side of the suspect's van. He heard one gunshot and was told the suspect had fired the shot. He heard radio traffic advising that the suspect was coming out of the van on the passenger side and heard eight gunshots. He did not see who fired the shots. He assisted the arrest team in removing the suspect from the van.

Deputy Ralph Garay stated essentially the same as Sergeant Kubly and added the following, he is assigned to the Special Enforcement's Bureau's Black team. He was at the Special Enforcement Bureau when Commander Cavanaugh requested that a team respond to a barricaded suspect incident on the 10 Freeway in Baldwin Park. He drove one of the armored vehicles to the incident location. He deployed both of the armored vehicles behind and on each side of the suspect's van. He remained in the driver's seat of the armored vehicle on the driver's side of the suspect's van during the shooting. He heard two-three round burst of gunshots. He moved to the armored vehicle on the passenger side of the suspect's van and drove that vehicle directly behind the suspect's van while the hot gas was deployed and during the arrest of the suspect. He added that he remained in the driver's seat of that armored vehicle during the time the suspect was arrested.

Deputy [redacted] stated essentially the same as Sergeant Kubly and added the following, he is assigned to the Special Enforcement Bureau's Gray team. He was paged and responded to the incident location at the 10 Freeway at Frazier Street. He was deployed in a radio car which was positioned north of the armored vehicle on the driver's side of the suspect's van. He made announcements via his vehicle's public address system throughout the incident, asking the suspect to surrender.

WITNESS STATEMENTS CONTD.

Deputy Bruce Chase stated essentially the same as Sergeant Kubly and added the following, he is assigned to the Special Enforcement Bureau's Tan team. He was paged and responded to the incident from home. He was deployed as a long rifle on the driver's side of the van at the center median of the freeway. He remained in that position throughout the incident. He saw the suspect through the scope of his rifle, holding a machine type pistol several times during the incident. He heard the suspect fire a gunshot and saw glass break on the windshield of the suspect's van. He heard gunshots but could not tell who was firing.

Deputy David O'Sullivan stated essentially the same as Sergeant Kubly and added the following, He is assigned to the Special Enforcement Bureau's Gray team. He was paged and responded to the Special Enforcement Bureau. He drove the robot van to the incident location on the 10 Freeway at Frazier Street. He was deployed to the long rifle position on the driver's side of the suspect's van at the center median of the freeway. He heard the suspect fire one shot through the van's windshield. He heard a two round burst of 9 mm gunfire and two 223 caliber rounds being fired. He did not see who fired the rounds.

Deputy [redacted] stated essentially the same as Sergeant Kubly and added the following, He is assigned to the Special Enforcement Bureau's Tan team. He was paged, and responded to the incident location from his home. He was deployed as the "gas" deputy on the driver's side of the suspect's van at the center median of the freeway. He heard several gunshots but could not see who was firing.

Deputy Jim Harrell said he is a paramedic assigned to the Emergency Services Detail. He was on duty when he was deployed to the incident. He and his partner, Deputy Wilkerson were the first Special Enforcement Bureau personnel to arrive at the scene. He was briefed on the incident by a Captain from the California Highway Patrol. He and the Emergency Services Detail truck were eventually deployed behind the suspect's van in between the two armored vehicles. He heard one gunshot come from the interior of the suspect's van. He saw the deployment of the robots, heard P.A. announcements asking the suspect to surrender, saw deployment of gas and observed the actions of the suspect for several hours. He saw the suspect lean out of the van and point his gun at the deputies who were deployed directly behind and to the passenger side of the van. He heard one shot and then heard four or five shots from automatic weapons. Once the suspect was removed from the van, he and his partner Deputy Wilkerson administered medical aid. He saw that the suspect was bleeding from the face and that his clothing was covered in blood. He saw a gunshot wound to the right side of the suspect's head, and a gunshot wound to the middle of his back at waist level. The suspect was transported to the County U.S.C. Medical Center by ambulance.

Deputy Gary Wilkerson stated substantially the same as Deputy Harrell and added the following, He is assigned to the Emergency Services Detail as a paramedic. He was deployed behind the suspect's vehicle with Deputy Harrell, at their truck. Their truck was positioned in between two armored vehicles. He heard one or two gunshots fired from the interior of the suspect's van and he believed the suspect might have killed himself. He saw the suspect's hand and arm come out of the van and point a handgun in the direction of the deputies deployed at the armored vehicle on the passenger side of the van. He heard three or four rounds fired at the suspect and saw the suspect's weapon fall to the ground.

WITNESS STATEMENTS **Deputy Wilkerson contd.**
He administered medical aid to the suspect and saw that the suspect had two gunshot wounds. The gunshots were to the suspect's head and to his middle back.

SUSPECT STATEMENT.

Suspect Santiago Gutierrez refused to make any statement to me regarding the incident.

INJURIES:

The suspect sustained two gunshot wounds. One wound to the back of his head and one wound to his lower back. The suspect was treated at County U.S.C. Medical Center and survived his injuries.

PHYSICAL EVIDENCE:

Refer to Homicide book pages 58 and 70 for detailed lists of all evidence collected.

INVESTIGATOR OBSERVATIONS:

The suspect's Chevrolet Astro Van Lic.#[redacted]sustained moderate damage and was towed from the location. Civil Litigation was notified..

WEAPONS USED BY DEPUTY PERSONNEL:

Colt, AR-15 semi-automatic rifle, fired two rounds
2 Heckler and Koch, MP5 submachine guns, fired 6 rounds.

WEAPONS USED BY SUSPECTS

Intratec, 9mm semi-automatic pistol.

PROPERTY DAMAGE

The suspect's Chevrolet Astro Van Lic.#[redacted]sustained moderate damage and was towed from the location. Civil Litigation was notified..

CRIMINAL INVESTIGATOR:

Investigators Davis and Hall, Homicide Bureau.

LIGHTING OR WEATHER CONDITIONS

Overhead flood lamps from Emergency Services Detail truck, spotlights from radio cars and standard Freeway lighting. Clear warm night.